

**Remark**

Applicants respectfully request reconsideration of this application as amended. Claims 7, 14 and 21 have been amended. Claim 16 has been cancelled. Claims 25-40 are new. Therefore, claims 1-15, 17-40 are present for examination.

**Allowable Subject Matter**

The Examiner has indicated that claims 7, 15, and 18-19 would be allowable if rewritten in independent form. In the amendments above, new Claim 25 incorporates the limitations of Claims 7, 6 and 1. New Claim 31 is similar to new Claim 25 but directed to a machine-readable medium. New Claim 34 incorporates the limitations of Claims 19, 16, and 14, while new Claim 38 is directed to a machine-readable medium with limitations similar to that of new Claim 34. Accordingly, all of the new independent claims are believed to be allowable based on the Examiner's earlier indication. The new dependent claims depend from one of the new independent claims mentioned above and are believed to be allowable at least on the same grounds.

**35 U.S.C. §102 Rejection***Lohtia*

The Examiner has rejected claims 1-6, 8-14, 16-17 and 20-24 under 35 U.S.C. §102 (e) as being anticipated by Lohtia, U.S. Publication No. US2002/0082033 ("Lohtia"). Lohtia shows that when a terminal detects the end of a data transmission it waits for a predetermined period before starting a procedure to release the connection. (Abstract)

In Lohtia, two different procedures are described. The first one is initiated by the mobile station. In this procedure, a message or indication is sent on an uplink (para. 45, line 20) to the

base station. The base station then sends the PACKET UPLINK ACK/NACK message 214. When the mobile receives this message, then the mobile release the uplink TBF. In the mobile station process, Lohtia introduces a timer between detecting that the send buffer is empty and sending the indication. (para. 46)

Turning to Claim 1, as an example, it recites, " sending a closing message in a first slot from the first terminal to the second terminal to request that the communications stream be closed." This can correspond only to the message or indication sent "on the uplink to indicate to the base station system that its RLC/MAC send buffer is empty." (para. 45, line 20.)

Claim 1 further recites, "listening to the communications stream at the first terminal to determine whether any messages are sent from the second terminal to the first terminal in a slot after the first slot." In Lohtia, the mobile station does listen to the base station for the PACKET UPLINK ACK/NACK message. However, Claim 1 next recites "closing the stream, if no further messages are received from the second terminal." This is the opposite of what happens in Lohtia. In Lohtia, if no ACK/NACK message is received, then the TBF stays open. The stream is closed only if the ACK/NACK is received. The Lohtia process requires an additional message over what is required in Claim 1.

If the base station initiates, then it sends the message or indication and the mobile, in response, sends a PACKET DOWNLINK ACK/NACK message and then the base station clears the downlink TBF. In the base station process, Lohtia introduces two timers. The first is between detecting that the send buffer is empty and sending the indication. The second is between receiving the PACKET DOWNLINK ACK/NACK message and releasing the downlink TBF. (para. 47.) In paragraph 47, Lohtia states "the control module waits for predetermined events to occur... Once the

other predetermined events have occurred, the control module clears or releases the downlink TBF." However, only one predetermined event is suggested in the specification, a timer.

Turning again to Claim 1, after the base station sends the close message to the mobile station, it, like in the mobile station example, waits for an ACK/NACK from the mobile station before it can close the TBF. Again, there is no suggestion that the TBF be closed without receiving the ACK/NACK from the mobile station.

The Examiner appears to be suggesting that the recitation in Claim 1 of "listening to the communications stream" may be read on looking at the RLC/MAC buffer in Lohtia. This would require reading the limitations of Claim 1 onto two different communications streams. Note in Claim 1, that the communications stream that is listened to is the same one as the one over which the closing message is sent and the same one that is then closed. There is no suggestion in Lohtia that the connection between the control module and the send buffer be closed.

Absent any teaching or suggestion of the elements of Claim 1, Applicants respectfully submit that Claims 1 and 10 and the claims that depend thereon are allowable over the references.

Claims 14 and 21 are amended to refer to satisfaction of boundary values. Applicants find no such suggestion in Lohtia. Accordingly, Claims 14 and 21 as well as the claims which depend thereon are believed to be allowable over the references.

### Conclusion

Applicants respectfully submit that the rejections have been overcome by the amendment and remark, and that the claims as amended are now in condition for allowance. Accordingly, Applicants respectfully request the rejections be withdrawn and the claims as amended be allowed.

### Invitation for a Telephone Interview

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.


### Request for an Extension of Time

Applicants respectfully petition for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension. Charge our Deposit Account.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,  
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Date: 11/3/4

  
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